D.B. CIVIL SPECIAL APPEAL (WRIT) NO.1275/2007

Ram Dayal Sharma Vs. State of Rajasthan & Anr.

Date of Order :: October 29, 2007.

HON'BLE THE CHIEF JUSTICE MR.J.M. PANCHAL
HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr. M.C. Jain for the appellant.

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The instant appeal is directed against order dated April 18, 2006 rendered by the learned Single Judge in S.B. Civil Writ Petition no.2967/2006 by which the prayer made by the appellant to direct the respondents to appoint him on the post of Junior Typist -cum- Clerk, is refused.

The appellant passed Secondary School Examination in the year 1974. He passed Higher Secondary Examination in the year 1975. The respondent no.2 issued an advertisement for the post of Lower Division Clerk (LDC) and invited applications from the eligible candidates. The appellant applied for the post of LDC. It is the case of the appellant that he passed the examination conducted by the respondents. Again in the year 1986, the respondent no.2 issued another advertisement inviting applications from the eligible candidates for the post of LDC. The appellant again applied for the said post and appeared in the examination conducted by the respondents. However, the appellant secured 26 marks in Hindi examination as according to him, the typing machine provided to him, was faulty. The appellant claimed that he was entitled to be appointed on the post of LDC on the basis of

result of the examination conducted in the year 1979. He, therefore, invoked extraordinary jurisdiction jurisdiction of this Court under Article 226 of the Constitution by filing S.B. Civil Writ Petition no.2967/2007 and claimed the relief mentioned earlier. The learned Single Judge has dismissed the petition by order dated April 18, 2006 giving rise to the instant appeal.

This Court has heard the learned counsel for the appellant and considered the documents forming part of the petition.

It may be mentioned that seeking relief on the basis of result of examination conducted in the year 1979, the appellant filed the petition in the year 2006 i.e. after inordinate delay for which no explanation is offered by the appellant at all. The prayer claimed, therefore, cannot be granted at this stage. Further, the appellant had given up his right to claim to be appointed on the basis of result of examination conducted in the year 1979 when he appeared in another examination which was conducted in the year 1986. As far as examination which was conducted in the year 1986 is concerned, this Court finds that appropriate directions have been given by the Supreme Court vide order dated September 27, 1993 passed in Petition(s) for Special Leave to Appeal (Civil) No.(s)7114/93 which was filed by Ms. Sunita Gupta against the State of Rajasthan & Another. Grant of relief at this distance of time is likely to affect several persons adversely.

On the totality of facts of the case, this Court finds that the learned Single Judge did not commit any error in rejecting the petition filed by the appellant. No case is made out by the learned counsel for the appellant to interfere with the impugned order, and therefore, the appeal which lacks merits deserves dismissal.

For the foregoing reasons, the appeal fails and is dismissed.

(MOHAMMAD RAFIQ),J. **(J.M. PANCHAL),CJ.**

Skant/-